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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Terry B. Strom *et al.*
Serial No. : 09/804,717
Filed : March 12, 2001
Title : METHODS AND COMPOUNDS FOR PREVENTION OF GRAFT REJECTION

Art Unit : 2953
Examiner : Anne Marie Sabrina Wehbe

Box DAC
Commissioner for Patents
Washington, D.C. 20231

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PETITION FOR UNINTENTIONALLY DELAYED DOMESTIC PRIORITY CLAIM**OFFICE OF PETITIONS**

Pursuant to 37 CFR § 1.78(a)(3), Applicants hereby petition that their claim for domestic priority, as specified below, be granted. The entire delay between the date the claim was due under paragraph (a)(2)(ii) of 37 CFR § 1.78 and the date the claim was filed was unintentional.

The present application is related to several previously filed applications, and the priority claim should be as follows:

This application is a continuation (and claims the benefit of priority under 35 USC § 120) of U.S.S.N. 09/304,755, filed May 4, 1999 (now abandoned), which is a continuation of U.S.S.N. 08/273,402, filed July 11, 1994 (now U.S. Patent No. 5,958,403), which is a continuation-in-part of U.S.S.N. 08/024,569, filed March 1, 1993 (now abandoned), which is a continuation-in-part of U.S.S.N. 07/843,731, filed on February 28, 1992 (now abandoned).

When Applicants' representatives filed the present application, they failed to notice that their priority data did not include the present application's immediate parent (U.S.S.N. 09/304,755; herein, "the parent"). Applicants did, however, recite all of the other previously filed applications (see the attached copy of the transmittal letter that accompanied the present application for filing). If Applicants had not intended to claim priority to the earlier filed applications (and had, instead, wished the present application to benefit only from its own filing date), none of the prior applications would have been referenced. Applicants' representatives understand the requirements

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

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March 3, 2003

Mary E. Jacoby

Mary E. Jacoby

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for co-pendency and saw that those requirements were met. More specifically, Applicants filed, in the parent application, a Petition for extension of time, making the parent application complete and pending as of the date the present application was filed. As noted on the attached transmittal letter for the present application, Applicants submitted a copy of the Petition for extension of time in the parent case to make it more evident that their intended claim of priority was proper (see the first enclosure listed on the top of page 2). If Applicants had not wished the present application to claim the benefit of the prior application, they would not have paid the fee required to maintain the pendency of the prior application. Nor would they have taken care to file the present application before the parent application expired. The statutory period for responding to an outstanding Office Action in the parent application ended on March 12, 2001 (March 11, 2001, being a Sunday), and the present application was filed on March 12, 2001.

Applicants were not aware of the error until the Examiner in the present application called it to their attention.

In view of the foregoing, Applicants respectfully request that the instant Petition be granted. Enclosed is a check for \$1,280 for the surcharge set forth in 37 CFR § 1.17(t). If there are any other charges, or any credits, please apply them to Deposit Account No. 06-1050, referencing Attorney Docket No. 13985-004003.

Respectfully submitted,

Date: March 3, 2003



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